

# GENDER-BASED VIOLENCE SURVIVOR PROTECTIONS IN THE PRETRIAL FAIRNESS ACT

In January 2021, the Pretrial Fairness Act (PFA) was passed and signed into law. This historic legislation includes sweeping criminal justice system reform that also includes increased protections for survivors of gender-based violence during the pretrial process.

It is critical to protect the provisions for survivors by ensuring legislators keep the PFA intact.



## Safety

The current pretrial system does not prioritize the safety of survivors as individuals charged with domestic violence can be prematurely released by police or bond hearings. Reforms under the Pretrial Fairness Act allow charged individuals to be held up to 48 hours to gather evidence on whether pretrial incarceration is necessary to ensure survivors' safety and what protections are needed for release. Survivors can also express the need to confiscate the person causing harm's firearm after their FOID is revoked with genuine follow-through by law enforcement.



## Economic Access

Wealth and economic access are currently the most important factor in pretrial freedom. Persons charged with domestic violence can circumvent the security concerns of survivors through posting bail with their own finances, pressuring the survivor, or with the help of family. Furthermore, mistakenly criminalized survivors may not be able to afford their freedom and subsequently suffer in pretrial detention. The elimination of money bail ensures pretrial incarceration is based on a comprehensive hearing complete with witness testimony, prepared arguments, and a judge-issued reason for incarceration. Survivors are protected from the unsafe release of a charged person and from unjust detention due to their own criminalization.



## Notification

Survivors often receive no notice of release of the charged person. The Pretrial Fairness Act allows for greater inclusion of survivors in the pretrial process in the initial hearing and subsequent release hearings. Survivors are then able to create a safety plan with more time and alerted every step of the way.